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Oceans and the law of the sea

Oceans and the law of the sea

Report of the Secretary-General

Addendum

Summary

The present report has been prepared as an addendum to the main annual report (A/60/63) in order to provide the General Assembly with an overview of developments relating to the implementation of the United Nations Convention on the Law of the Sea and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea since the preparation of the main report in February 2005. It also constitutes a report of the Secretary-General presented to States Parties pursuant to article 319 of the Convention to be considered by the Meeting of States Parties under the agenda item entitled "Report of the Secretary-General under article 319 for information of States Parties on issues of a general nature relevant to States Parties that have arisen with respect to the Convention". The addendum should be read in conjunction with the main report, as well as the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its sixth meeting (A/60/99), the report of the fifteenth Meeting of States Parties to the Convention (SPLOS/135), the report on the Second International Workshop on the regular process for global reporting and assessment of the state of the marine environment (A/60/91) and the report on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (A/60/63/Add.1). The addendum provides information on the status of the Convention and its implementing Agreements; recent developments in the Commission on the Limits of the Continental Shelf; maritime claims; and capacity-building. It reviews developments relating to safety of navigation, maritime security, the protection of the marine environment and marine living resources. It also provides an update on the response to the Indian Ocean tsunami disaster.

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Abbreviations

FAO	Food and Agriculture Organization of the United Nations
GEF	Global Environment Facility
IAEA	International Atomic Energy Agency
IHO	International Hydrographic Organization
ILO	International Labour Organization
IMO	International Maritime Organization
IOC	Intergovernmental Oceanographic Commission of UNESCO
LEG	IMO Legal Committee
MARPOL	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto
MEPC	IMO Marine Environment Protection Committee
MSC	IMO Maritime Safety Committee
SAR Convention	International Convention on Maritime Search and Rescue
SOLAS	International Convention for the Safety of Life at Sea
SUA Convention	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
TSC	TRAIN-SEA-COAST
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
WCO	World Customs Organization
WHO	World Health Organization
WMO	World Meteorological Organization

I. Introduction

1. The present report is an addendum to the main report (A/60/63), prepared in February 2005. The main report concentrated on fisheries and their contribution to sustainable development and marine debris, as these were the subjects for the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. Since the General Assembly also requested information on marine biodiversity beyond national jurisdiction, a special report was prepared on that issue (A/60/63/Add.1). The present report concentrates on other marine activities and should be read in conjunction with the other two reports. It fills gaps in and updates information provided in the main report, in particular on the response to the Indian Ocean tsunami disaster.

II. The United Nations Convention on the Law of the Sea and its implementing Agreements

A. Status of the Convention and its implementing Agreements

2. Since the issuance of the main report (A/60/63), there have been no changes in the status of the Convention or the Agreement relating to the implementation of Part XI of UNCLOS. On 14 July 2005, Belize ratified the 1995 United Nations Fish Stocks Agreement, bringing the number of parties to 53. There have been no declarations or statements under article 310, nor any declarations under articles 287 or 298 of UNCLOS. There have been no new declarations or statements regarding the United Nations Fish Stocks Agreement.

B. Meeting of States Parties

3. The fifteenth Meeting of States Parties to the Convention was held in New York from 16 to 24 June 2005 under the presidency of Andreas D. Mavroyiannis, Permanent Representative of Cyprus to the United Nations. The Meeting considered a number of financial and administrative issues relating to the International Tribunal for the Law of the Sea. The President of the Tribunal introduced its 2004 annual report. The Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf made statements on recent developments in those bodies. Among important agenda items were the election of seven members of the Tribunal and the item entitled "Report of the Secretary-General under article 319 for information of States Parties on issues of a general nature relevant to States Parties that have arisen with respect to the United Nations Convention on the Law of the Sea".

4. The Meeting considered the report on conditions of service and compensation for members of the Tribunal. On the adjustment of the remuneration of members of the Tribunal, the Meeting adopted the decision contained in document SPLOS/132. The Meeting took note of the report on common staff costs (SPLOS/127) and of the report on budget performance for 2004 (SPLOS/128).

5. With regard to the appointment of an auditor for the financial years 2005-2008 (SPLOS/123), the Meeting agreed to continue using international firms, since they had proven to be reliable and cost-effective and since there were no established

procedures for electing officials of State Parties as auditors. The Meeting further agreed to appoint the lowest bidder, namely BDO Deutsche Warentreuhand.

6. The Meeting elected seven members of the Tribunal to replace those whose term of office was to expire on 30 September 2005. Elected for a nine-year term of office were Albertus Jacobus Hoffmann (South Africa), James L. Kateka (United Republic of Tanzania), L. Dolliver M. Nelson (Grenada), Choon-Ho Park (Republic of Korea), Stanislaw Pawlak (Poland), Helmut Tuerk (Austria) and Shunji Yanai (Japan).

7. On the basis of a consensus reached at the fourteenth Meeting of States Parties, the report of the Secretary-General on oceans and the law of the sea (A/60/63) was presented to the Meeting. As in previous years, there was an extensive debate on the item, with delegations expressing divergent views as to the status of the report. The Meeting decided that the views expressed would be reflected in the report of the fifteenth Meeting (issued as document SPLOS/135) and that the item entitled "Report of the Secretary-General under article 319 for information of States Parties on issues of a general nature relevant to States Parties that have arisen with respect to the Convention" would be included in the agenda of the sixteenth Meeting.

8. During the debate under "Other matters" several delegations, in particular those whose submissions are to be examined by the Commission on the Limits of the Continental Shelf, expressed concern regarding the consistency of rule 52 of the rules of procedure of the Commission with the provisions of article 5 of annex II to the Convention. It was decided that the concerns raised should be reflected in the report of the fifteenth Meeting of States Parties (see SPLOS/135, para. 74), and conveyed by the Secretariat to the Commission.

III. Maritime space

A. The continental shelf beyond 200 nautical miles: the work of the Commission on the Limits of the Continental Shelf

Fifteenth session of the Commission

9. The Commission on the Limits of the Continental Shelf held its fifteenth session at United Nations Headquarters from 4 to 22 April 2005. It began its examination of the submission by Australia, continued its examination of the submission by Brazil and dealt with administrative issues (the Chairman's statement on the work of the Commission is contained in document CLCS/44).

Brazilian submission

10. The Chairman of the subcommission established to examine the submission by Brazil reported to the Commission on the work carried out during the intersessional period and during the first week of the fifteenth session. He informed the Commission about additional material received, through the Secretariat, from the Government of Brazil during the intersessional period.

11. At the end of the fifteenth session, the Chairman reported that the subcommission had made considerable progress in the examination of the

submission of Brazil and that, during that session, the delegation of Brazil had provided additional material in response to the subcommission's questions and requests for clarification. The subcommission had agreed to meet in the week prior to the scheduled beginning of the sixteenth session, i.e. from 22 to 26 August 2005.

Australian submission

12. The head of the Australian delegation, Christos Moraitis, made a presentation of the submission deposited on 15 November 2004. Additional comments were made by Bill Campbell, alternate head of delegation. The two delegates provided an overview of the content of the submission including the information required by section II of annex III to the rules of procedure, and responded to questions from members of the Commission with the assistance of the scientific, technical and legal advisers of the delegation.

13. The Commission then considered note verbale No. 89/2004 from Australia dated 15 November 2004 on the issue of Antarctica. The Commission took note of the communications addressed to the Secretary-General in support of the request of Australia, namely (a) the note verbale dated 3 December 2004 from the United States of America; (b) the note verbale dated 9 December 2004 from the Russian Federation; (c) the note verbale dated 19 January 2005 from Japan; (d) the note verbale dated 31 March 2005 from the Netherlands; and (e) the note verbale dated 5 April 2005 from Germany. Based on the communications, the Commission decided not to consider the part of the submission referred to as region 2 in the executive summary of the Australian submission. The Commission instructed the subcommission established to examine the submission of Australia accordingly.

14. The Commission also took note of the contents of the note verbale from Timor-Leste dated 11 February 2005 and the attached position paper and of the note verbale dated 28 March 2005 from France addressed to the Secretary-General. It decided to refer both matters to the subcommission established to examine the submission of Australia.

15. After the end of the fifteenth session, India, by a note verbale dated 5 July 2005, expressed support for Australia's request to the Commission not to take any action on the portion of its submission relating to areas of the seabed and subsoil adjacent to Antarctica. All communications are available on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los.

16. The Commission established a seven-member subcommission to consider the submission of Australia, which elected Harald Brekke (Norway) as its Chairman. At the end of the session, the Chairman of the Subcommission reported that it had completed its preliminary examination of the submission and held several meetings with the delegation of Australia, which had made a detailed presentation of the data and information for each of the nine subregions included in its submission. The delegation of Australia also provided subsequent written responses to the questions of the subcommission and clarified various technical aspects of the submission. The subcommission continued its work during a resumed meeting held from 27 June to 1 July 2005 on the premises of the Division.

Training

17. The Director of the Division updated the Commission on the organization and delivery of training courses on delineation of the outer limits of the continental shelf and the preparation of submissions to the Commission, on the basis of the outline adopted by the Commission in 2000 (CLCS/24 and Corr.1). The Director also described progress made in the preparation of a training manual for a five-day training course on delineation of the outer limits of the continental shelf (for further details of the Division's training activities, see paras. 109-112 below).

Future work

18. On 25 May 2005, Ireland made a submission to the Commission through the Secretary-General pursuant to article 76, paragraph 8 of the Convention. The submission contains the information on the proposed outer limits of the continental shelf of Ireland beyond 200 nautical miles in the portion of the continental shelf of Ireland abutting the Porcupine Abyssal Plain. According to the submitting State, it was a partial submission. In the view of the Government of Ireland, "this portion of shelf is not the subject of any dispute" and "its consideration by the Commission will not prejudice matters relating to the delimitation of boundaries between Ireland and any other States". The consideration of the submission has been included in the provisional agenda of the sixteenth session of the Commission to be held from 29 August to 16 September 2005. Two sessions of the Commission are tentatively scheduled for 2006, from 3 to 21 April and from 21 August to 8 September.

Meeting of States Parties

19. The Chairman of the Commission updated the fifteenth Meeting of States Parties to UNCLOS on the activities of the Commission by conveying the information contained in his letter dated 5 May 2005 to the President of the Meeting (SPLOS/129). In addition, the Chairman made a presentation on the projected workload of the Commission, which reflected his personal views and estimates regarding the duration of the examination of future submissions. He explained that, on the assumption that there would be two sessions per year and an average of 19 members attending each session, by the eighteenth session the Commission would encounter severe problems of overload, which would further increase by the twenty-first session, when there would be an average of five to nine submissions under consideration by the Commission.[1] Under the present system, that level of work would be unsustainable. Either the working method of the Commission would have to be changed or consideration of the submissions would have to be delayed (for further details on the presentation of the Chairman, see SPLOS/135, paras. 65-73).

20. It will be recalled that the General Assembly, by paragraph 31 of its resolution 59/24, requested the Secretary-General to submit to it at its sixtieth session proposals on how the requirements of the Commission could be best accommodated, taking into account the concerns expressed by the Chairman of the Commission at its fourteenth session, and the expectation that new submissions would require concurrent meetings of several subcommissions for their examination.

21. As the presentation of the Chairman at the Meeting of States Parties addressed the issue in general terms, the Meeting did not take any decisions on it. The Chairman then addressed a letter to the Secretariat on 6 July 2005, in which he

submitted a consolidated list of outstanding requirements regarding personnel, computer hardware and software applications. The Commission's request for additional geographic information systems specialists has already been partly addressed in the draft budget proposal for the biennium 2006-2007. The Secretariat is assessing how best to accommodate the outstanding requirements for hardware and software within the existing budgetary resources.

B. Maritime claims and the delimitation of maritime zones

22. *Adriatic Sea.* In a note verbale dated 15 April 2005 addressed to the Secretary-General, Slovenia communicated its position with regard to the note verbale of Croatia dated 11 January 2005 (see A/60/63, para. 12). The full text of that communication was circulated to States Parties to UNCLOS and will be published in the *Law of the Sea Bulletin*, No. 58.

23. *Baltic Sea.* In a note verbale dated 27 July 2005, Denmark informed the Secretary-General of the entry into force on 1 July 2005 of the act establishing a Danish contiguous zone and of the entry into force on 9 July 2005 of an executive order on the demarcation of the danish contiguous zone. Both the act and executive order appear in the *Law of the Sea Bulletin*, No. 58.

24. *Mediterranean Sea.* Algeria transmitted to the Secretariat in a note verbale dated 1 March 2005, a copy of presidential decree No. 04-344 of 6 November 2004, establishing a zone contiguous to the territorial sea to exercise control in accordance with articles 33 and 303 of UNCLOS. The text of the decree appears in the *Law of the Sea Bulletin*, No. 57. In a letter dated 29 March 2005 (A/60/68) the Libyan Arab Jamahiriya informed the Secretary-General of the declaration of a Libyan fisheries protection zone in the Mediterranean Sea. Tunisia transmitted, in a note verbale dated 25 July 2005, act No. 50/2005 dated 27 June 2005 concerning the exclusive economic zone off the Tunisian coasts, which was published in the *Law of the Sea Bulletin*, No. 58.

C. Deposit and due publicity

25. In April 2005, Norway deposited, with reference to article 16, paragraph 2 of UNCLOS, the list of geographical coordinates of points defining the outer limits of the territorial sea around Bouvet island together with the list of geographical coordinates of points as specified in the regulations of 25 February 2005 relating to the baseline determining the extent of the territorial sea around Bouvet island, as laid down by Royal Decree of 25 February 2005, pursuant to the act of 27 June 2003 relating to Norway's territorial waters and contiguous zone.

IV. Developments relating to international shipping activities

A. Safety of ships and labour conditions

Ship construction

26. IMO has agreed, in principle, on the basic principles and goals for new ship construction standards, according to which all types of new ships are to be

"designed and constructed for a specified design life to be safe and environmentally friendly, when properly operated and maintained under the specified operating and environmental conditions, in intact and specified damage conditions, throughout their life" (IMO document MSC 80/24, paras. 6.38 and 6.39).

27. At its eightieth session, held from 11 to 20 May 2005, MSC adopted new technical requirements for ship construction for inclusion in chapter II-1 of SOLAS, which are expected to enter into force on 1 January 2007 (resolution MSC.194(80)). MSC also adopted amendments to chapter II-1 in order to harmonize the SOLAS provisions on subdivision and damage stability for passenger and cargo ships. The amendments will apply to new ships and are expected to enter into force on 1 January 2009. As regards bulk carriers MSC approved a circular (IMO document MSC/Circ. 1178) providing unified interpretations relating to regulation XII/4.2 (Damage stability requirements applicable to bulk carriers) and regulation XII/5.2 (Structural strength of bulk carriers). Recent developments relating to oil tankers are reported on in paragraphs 58 and 62 below.

Labour conditions

28. Substantial variations in living and working conditions continue to exist among vessels operating under different flags (see A/58/65, paras. 48 and 49). Poor social and safety conditions, incidents of abandonment,[2] restrictions on shore leave as a result of new security measures (see para. 44 below), recruitment scams in the cruise shipping industry, the threat of pirate attacks (see para. 52 below) and the increasing tendency to charge seafarers with criminal offences and to detain them following a maritime accident are among the problems experienced by seafarers. The importance of ensuring that seafarers are treated fairly and that their human rights are protected has been underlined in a number of forums, including ILO, IMO, the Informal Consultative Process (see A/60/99), the Meeting of States Parties (SPLOS/135) and the International Federation of Shipmasters' Associations' first International Conference on the Criminalization of Masters and Seafarers, held in February 2005 (IMO document LEG/90/7/3), and in a recent report of the International Commission on Shipping. The Commission noted that the criminalization of seafarers provides a further layer of protection to the substandard operator, as the focus is shifted from the ultimate decision-maker to persons who often have no control over decisions concerning the maintenance and use of the ship (see www.icons.org.au/pdfs/Report_27072005.pdf).

29. In recognition of the critical role of people within the maritime industry in the development, amendment and implementation of IMO instruments and generally in the improvement of maritime safety, security and environmental protection, IMO has developed a strategy and action plan to address the human element.[3] At its ninetieth session, held from 18 to 25 April 2005, LEG reviewed the report of the first session of the joint IMO/ILO ad hoc expert working group on the fair treatment of seafarers in the event of a maritime accident and agreed that there was an urgent need to prepare guidelines and implement them as soon as possible (A/60/63, para. 67). It approved a draft resolution prepared by the working group for adoption by the IMO Assembly at its twenty-fourth session to be held from 21 November to 2 December 2005.[4] In this connection, the International Law Commission considers that both diplomatic protection by the State of nationality and the right of the flag State to seek redress for the crew in respect of an injury arising from an

international wrongful act of another State should be recognized without priority being accorded to either.[5]

30. The ILO Labour Conference is scheduled to adopt the consolidated maritime labour convention at its ninety-fourth (maritime) session in February 2006. An ILO tripartite intersessional meeting on the follow-up to the Preparatory Technical Maritime Conference was convened in April 2005 to discuss outstanding issues in the preparation of the convention.[6] Labour conditions in the fishing sector were considered at the ninety-third session of the ILO Labour Co..ference in June 2005 and at the sixth meeting of the Informal Consultative Process (see A/60/99). The ILO Labour Conference was not able to adopt the proposed convention on the fishing sector and asked the Governing Body of ILO to include the item on the agenda of the Conference in 2007 (ILO press release ILO/05/31, 16 June 2005).

B. Safety of navigation

Nautical charting

31. Since the entry into force in 2002 of SOLAS regulation V/9, States have been required to arrange for the collection and compilation of hydrographic data and the publication, dissemination and updating of all nautical information necessary for safe navigation. However, IHO has informed IMO that an analysis of the data in the third edition of its special publication No. 55, "The Status of Hydrographic Surveying and Nautical Charting Worldwide", which had been promulgated digitally and covered 80 per cent of the coastal waters of the world, revealed a number of high-risk areas where modern survey coverage and implementation of the global maritime distress and safety system were seriously deficient. MSC Circular 1179, approved at the eightieth session of MSC, highlights the deficiencies in hydrographic surveying and nautical charting worldwide and their impact on safety of navigation and protection of the marine environment; reminds States of their obligation to establish hydrographic services in order to fulfil their obligations under SOLAS chapter V; and urges them to take action to remedy the situation. IHO informed MSC that it would be willing to consider any request for assistance in this regard from IMO member States, even if they were not members of IHO (IMO document MSC 80/24, paras. 23.12-23.15).

32. At its fifty-first session, held from 6 to 10 June 2005, the IMO Subcommittee on Safety of Navigation agreed that high-speed craft should be required to be fitted with an electronic chart display and information system, but that the introduction of a possible mandatory requirement for any other ships should be preceded by a formal safety assessment study on the use of the system. SOLAS regulation V/19 permits such a system to be accepted as meeting the nautical chart carriage requirements, if accompanied by an "appropriate portfolio of up-to-date paper charts" or other back-up arrangement. The Subcommittee clarified that the term refers to paper nautical charts sufficient to meet the requirements of regulation V/19 and regulation 27 of SOLAS.[7] It expressed support for the IHO initiative to establish a comprehensive online catalogue of available official charts and agreed that member States should be invited to consider which paper charts would meet the "appropriate folio of up-to-date paper charts" in territorial seas and where electronic navigational charts did not exist, and to communicate such information to IHO for inclusion in the catalogue.[8]

Ship routing and reporting measures

33. Apart from approving associated protective measures for the particularly sensitive sea areas mentioned in paragraphs 62 and 63 below, the Subcommittee on Safety of Navigation approved for submission to MSC a number of amendments to existing traffic separation schemes and to an area to be avoided (Dover Strait), as well as new areas to be avoided off the coast of Colombia. It further approved amendments to the existing mandatory ship reporting system "In the Great Belt Traffic Area" for submission to the twenty-fourth session of the IMO Assembly.[9] The importance of using IMO standards and terminologies when submitting proposals was underlined by a number of delegations during the fifty-first session of the Subcommittee. It was also pointed out that the establishment of mandatory areas to be avoided should be an exception rather than a rule and that future proposals should be subject to stringent review to ensure their conformity with the criteria laid down in the relevant IMO instruments.[10]

C. Implementation and enforcement

34. The Voluntary IMO Member State Audit Scheme, which is expected to be adopted by the IMO Assembly at its twenty-fourth session, is designed to help promote maritime safety and environmental protection by assessing how effectively Member States implement and enforce relevant IMO Convention standards, and by providing them with feedback and advice on their current performance. When the IMO Council reviewed the Scheme in June 2005, it agreed to develop, at an appropriate time, suitable provisions for the eventual inclusion of other safety and security-related issues, taking into account the experience gained from the implementation of the Scheme. The Council noted that a reasonably sized pool of duly trained auditors could be established by mid-2006, based on nominations by Member States of qualified auditors for training under the Scheme and taking into account the proposed technical cooperation global programme. In the first quarter of 2006, member States are expected to volunteer to be audited and it is anticipated that there could be 20 to 30 audits during the 2006-2007 biennium. It was agreed that the audits would be financed by the member State volunteering to be audited.[11] Once adopted by the IMO Assembly, the code for the implementation of mandatory IMO instruments will serve as the audit standard under the Voluntary Audit Scheme and will also provide guidance on the implementation of the mandatory IMO instruments. The draft code sets out the respective obligations of flag, coastal and port States under the various IMO mandatory instruments, includes criteria for their effective implementation and provides for evaluation and review of flag States' performance in exercising rights and meeting obligations under those mandatory instruments. Among the measures that could be used to evaluate the performance of flag States are port State control detention rates and casualty statistics.[12]

35. Only a very general reference to UNCLOS is included in the draft code. UNCLOS is cited, together with IMO conventions, as the legal basis for the responsibility of Administrations to promulgate laws and regulations and for taking all other steps necessary to give these instruments full and complete effect. The obligations of States under article 195 of UNCLOS are also recalled. A compendium of flag States' obligations under UNCLOS and a large number of international conventions and instruments, including IMO instruments, is provided in the report of the Consultative Group on Flag State Implementation (A/59/63).

36. At its sixth meeting, the Informal Consultative Process proposed that the General Assembly encourage the development by competent international organizations of guidelines on flag State performance in relation to fishing vessels and that it recall the appeal made in the declaration on illegal, unreported and unregulated fishing adopted by the FAO ministerial meeting on fisheries to take international action to eliminate illegal, unreported and unregulated fishing by vessels flying flags of convenience, as well as to require that a genuine link be established between States and fishing vessels flying thei. flag. The Informal Consultative Process further suggested that the Assembly note the ongoing work of IMO in cooperation with other organizations following the invitation extended to it by the Assembly in resolutions 58/14 and 58/240 to study, examine and clarify the role of the "genuine link" in relation to the duty of the flag States to exercise effective control over vessels flying their flag. An ad hoc consultative meeting of senior representatives of international organizations on the "genuine link" was convened from 7 to 8 July 2005 at IMO headquarters.[13]

D. Assistance in distress situations

Places of refuge

37. LEG agreed at its ninetieth session that places of refuge was a very important subject that had to be kept under review, but that, for the time being, there was no need to develop a new convention. It noted that the more urgent priority would be to implement all the existing liability and compensation conventions and that a more informed decision as to whether a convention was necessary might best be taken in the light of the experience acquired through their implementation.[14] In its resolution 1439 (2005) of 29 April 2005 on sea pollution, the Parliamentary Assembly of the Council of Europe invited its member States to adopt the necessary measures to receive ships in distress in their territorial waters, provide places of refuge and draw up appropriate action plans.

Rescue of persons in distress

38. In March 2005 more than 100 persons drowned while attempting to reach Yemen aboard smugglers' boats from Somalia, and in June 2005, 27 persons in the Mediterranean Sea watched cargo ships steam by for eight days without heeding their pleas for help, before they were finally rescued by a Danish registered container ship.[15] These and the possibility of many other unreported incidents indicate that urgent action is required to address this human tragedy.

39. In 2004, IMO amended SOLAS and the SAR Convention and adopted guidelines on the treatment of persons rescued at sea to help masters to understand their obligation under international law to rescue persons in distress and to ensure that by taking on board persons in distress at sea, masters are released from that obligation with minimum further deviation from the ship's intended voyage (see A/59/62/Add.1, paras. 74-79). Those amendments are expected to enter into force on 1 July 2006. In addition, the IMO Facilitation Committee, at its thirty-second session, held from 4 to 8 July 2005, amended two standards in the Convention on Facilitation of International Maritime Traffic to require public authorities (a) to facilitate the arrival, stay and departure of ships engaged in the rescue of persons in distress at sea in order to provide a place of safety for such persons; and (b) to seek

the cooperation of shipowners to ensure that, when ships intend to call at ports for the sole purpose of putting ashore persons rescued at sea for emergency medical treatment, the master gives the public authorities as much notice as possible of that intention, with the fullest possible details of the sickness or injury and of the identity of the persons (resolution FAL.8(32) in IMO document FAL32/22).

40. In spite of the progress made by IMO, further cooperation among States is required to address all aspects of the problems surrounding the rescue of persons in distress at sea. In this regard, two recent initiatives can be highlighted. The Migration Policy Institute held a round table in June 2005 on interception and rescue at sea: ensuring safety and determining status. UNHCR will convene, under a project funded by the European Union for refugee protection capacity-building in North Africa, two meetings in 2005 focusing on interception and rescue in the Mediterranean Sea, as a follow-up to its global consultations on international protection and expert seminar on rescue at sea.

V. Maritime security and crimes at sea

A. Maritime security

41. During the period under review, the international community continued its efforts to strengthen the international legal framework to prevent and suppress acts of terrorism, including acts at sea. The present section provides information on progress achieved in the development of new, and amendments to existing, conventions before focusing on the implementation of the maritime security measures in SOLAS and the International Ship and Port Facility Security Code and recent measures adopted by WCO.

Development of new, and amendments to existing, conventions

42. The International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the General Assembly in resolution 59/290 requires each State party to establish its jurisdiction when an offence under the Convention is committed in its territory, on board a vessel flying its flag or by one of its nationals. Unlike the SUA Convention, no specific reference to the territorial sea has been included after the word "territory". Nuclear security has been further strengthened by the adoption on 8 July 2005 of amendments to the Convention on the Physical Protection of Nuclear Material, which will require States parties to protect nuclear facilities and material in peaceful domestic use and storage and in transport. The amendments also provide for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, to mitigate any radiological consequences of sabotage and to prevent and combat related offences (IAEA press release 2005/03).

43. Maritime security will be further strengthened when the Diplomatic Conference on the Revision of the SUA Treaties adopts the draft protocols to the SUA Convention and its 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf in October 2005. LEG at its ninetieth session agreed to most of the text of the draft protocols, in some cases on the basis of a majority decision. The remaining text in square brackets requires a determination by the Conference on the consequences of a lack of a reply

by a flag State to requests for confirmation of nationality or boarding received from the authorities of another State party; and on the number of States required for the entry into force of the protocols and in order to introduce and adopt amendments. Some delegations expressed dissatisfaction with the majority decision to approve the text relating to the exceptions to the transport offences and expressly reserved the right to raise the subject again at the Conference. The majority decision to include among the offences the transport on board a ship of "any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to a comprehensive safeguards agreement" was also criticized by some delegations which stated that the decision should have been taken by consensus and that including the safeguard requirement would have the effect of imposing the nuclear non-proliferation regime on States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons, or would go beyond the regime.[16]

Implementation of SOLAS and the International Ship and Port Facility Security Code

44. Since the entry into force on 1 July 2004 of the maritime security measures in SOLAS and the International Ship and Port Facility Security Code, the number of thefts and accidents in security restricted areas is reported to have dropped. However, despite positive developments, it seems that the level of stringency in implementing, complying with and enforcing the provisions of SOLAS and the Code has fallen in some instances.[17] Also of concern is the negative impact that implementation is having on some seafarers. Particular problems that have been cited include an increased, uncompensated workload and level of responsibility, restrictions on shore leave and problems obtaining visas. In addition, some seafarers feel that they are regarded as potential threats to security rather than as allies.[18]

45. In order to further assist States in the implementation and enforcement of the provisions of SOLAS and the Code, the eightieth session of MSC approved a number of circulars.[19] It adopted amendments to SOLAS regulations XI-1/3-1 and XI-1/5, the International Management Code for the Safe Operation of Ship and for Pollution Prevention and the International Ship and Port Facility Security Code in order to introduce the mandatory IMO unique company and registered owner identification number scheme.[20] The amendments are expected to enter into force on 1 January 2009. MSC also amended the format and guidelines for the maintenance of the continuous synopsis record, contained in IMO Assembly resolution A.959(23), to include the registered owner and the company identification numbers and to address a number of practical difficulties regarding the issuance and inspection of a continuous synopsis record when a ship is transferred from one flag State to another (resolution MSC.198(80)).[21]

46. Under development in IMO is a SOLAS regulation on long-range identification and tracking of ships which is intended, inter alia, to establish a mechanism for the collection from ships of long-range identification and tracking information for security, search and rescue and any other purposes as determined by IMO and a scheme for the provision of such information to SOLAS Contracting Governments as flag, port or coastal States. A number of delegations, while accepting that IMO should first concentrate on the development of long-range

identification and tracking for maritime security purposes, have emphasized the need to extend long-range identification and tracking also for safety and environmental applications.[22]

47. At the eightieth session of MSC, it was recognized that some outstanding issues required resolution before amendments to SOLAS on long-range identification and tracking could be adopted. One unresolved issue is the determination of the distance from the coast at which a coastal State would, commensurate with its security needs, have the right to access long-range identification and tracking information in respect of a foreign ship that does not intend to enter a port facility or a place under its jurisdiction. Suggestions range from setting the distance at 2000 nautical miles to give the coastal State the ability to assess the possible threat to security posed by the ship and to formulate and execute a response to reduce the threat if necessary; to setting it at 200 nautical miles in order to match the long-range identification and tracking distance with pre-existing maritime zones under UNCLOS; to using areas delimited in the current provisional global search and rescue plan for long-range identification and tracking purposes. As regards the latter, it has been pointed out that some search and rescue regions extend beyond 2000 nautical miles and that a number of States share a common region. It has also been proposed that an Administration should be able to decide upon and communicate to IMO the distance that it consents to for the purpose of any Contracting Government receiving long-range identification and tracking information. At the eightieth session of MSC, the importance of ensuring that long-range identification and tracking is consistent with the rights of States under international law, in particular UNCLOS, was underlined.[23]

48. IMO has also been examining possible loopholes in the scope of application of SOLAS chapter XI-2 and the International Ship and Port Facility Security Code, which cover passenger ships, cargo ships of 500 gross tonnage and above that are engaged in international trade and mobile offshore drilling units not on station. MSC circular 1157 ("Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security"), approved at the eightieth session of MSC, clarifies that the gross tonnage is to be determined in accordance with the 1969 International Convention on Tonnage Measurement of Ships. Some Administrations had exempted cargo ships from compliance with SOLAS and the International Ship and Port Facility Security Code by allowing them to use their gross tonnages determined in accordance with national tonnage rules. It has been suggested that IMO consider developing guidance on the extension of maritime security procedures to vessels not covered by SOLAS, since they also have the potential to pose a significant security threat. It has been noted that the combination of a host of different factors, such as the absence of a formal structure of registration and inspection, makes the establishment of effective security measures for non-SOLAS shipping both a necessary task and a difficult and complex challenge. A solution that works in one part of the world may not necessarily meet the requirements of another.[24]

World Customs Organization framework

49. A further global initiative to strengthen maritime security is the Framework of Standards to Secure and Facilitate Global Trade adopted by the Council of WCO in June 2005. The Framework is designed to encourage cooperation among international customs administrations and the trade community to secure

international supply chains and facilitate the flow of legitimate trade. It was developed on the basis of four principles applicable to customs services: harmonizing advance electronic information; a consistent risk management approach; the use of non-intrusive detection equipment; and providing benefits to businesses that meet minimal supply chain security standards and best practices. Effective capacity-building is recognized in the Framework as necessary to ensure its widespread adoption and implementation. WCO intends to provide assistance to States in making diagnostic needs assessments and in accessing funding.[25]

B. Crimes at sea

50. Effective implementation of the maritime security measures in SOLAS and the International Ship and Port Facility Security Code can also contribute significantly to a reduction in criminal activities at sea. For example, in United States ports, the implementation of security measures has resulted in a 50 per cent decrease in stowaway cases. The fourteenth meeting of heads of national drug law enforcement agencies, from Latin America and the Caribbean encouraged States to take steps to strengthen security at ports and container facilities as a first step towards deterring the use of their ports and container facilities by traffickers transporting illegal drugs, and to ensure that their border protection authorities were well prepared and equipped to meet the responsibilities for control and inspection. Governments were also encouraged to take a more proactive approach to the exchange of information between competent authorities on the movement through the region of persons and vessels suspected of being involved in illicit drug trafficking by sea (see E/CN.7/2005/5, paras. 34-36).

51. IMO is revising its guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships, contained in IMO Assembly resolution A.872(20), to align them with SOLAS chapter XI-2 and the International Ship and Port Facility Security Code (see A/60/63, para. 102). It was not possible for the IMO Facilitation Committee to finalize the revision before the twenty-fourth session of the IMO Assembly as originally envisaged, because it decided that the task would need to be done in conjunction with MSC. A draft resolution has therefore been submitted to the IMO Assembly which would authorize the Facilitation Committee and MSC to adopt amendments to the guidelines and request both Committees to report to the Assembly at its twenty-fifth session in 2007.[26]

52. Although the implementation of the security measures in SOLAS and the International Ship and Port Facility Security Code is expected to have a positive impact on the reduction of piracy and armed robbery incidents, it is still too soon to quantify the effect of their implementation. Reports of piracy and armed robbery at sea in 2004 and during the first half of 2005 received by IMO and the International Maritime Bureau of the International Chamber of Commerce indicate that, while there has been a decrease in the overall number of incidents, the level of violence has escalated, resulting in a higher number of crew members killed or taken hostage.[27] Reports received by the Bureau indicate that six ships were hijacked and 176 crew members were taken hostage during the first six months of 2005. For example, on 26 June, a ship chartered by the World Food Programme, carrying food aid for 28,000 Somali survivors of the Indian Ocean tsunami, was hijacked off the

Somali coast. The cargo and the ship's 10 crew members were taken hostage and a ransom was demanded for their release.[28]

53. MSC observed at its eightieth session that parties to SOLAS should be aware that continued acts of piracy and armed robbery would raise serious concerns about the compliance by their ports and port facilities with the maritime security regime, and in particular, since most of the attacks continued to occur in territorial waters, about the effectiveness of States in discharging their obligations under SOLAS regulation XI-2/7 (Threats to ships). All Governments and the industry were urged, once again, to intensify and coordinate their efforts to eradicate such acts. Flag, port and coastal States were encouraged to develop or review and update their national strategies for combating piracy and armed robbery against ships and, in particular, to assess the viability of bilateral or multilateral agreements designed to reduce the incidence of piracy and armed robbery. MSC reiterated the urgent need for all States to provide IMO with information on actions taken with regard to incidents reported to have occurred in their territorial waters.[29]

VI. Marine environment and marine living resources

A. Protection and preservation of the marine environment

1. Pollution from land-based activities

54. The major source of pollution of the marine environment is human activity on land, both in coastal areas and further inland. Pollution from land-based activities includes municipal, industrial and agricultural wastes and run-off, as well as atmospheric deposition. The marine environment is also affected by physical alterations of the coastal zone, including destruction of habitats of vital importance to maintain ecosystem health.[30] The Informal Consultative Process discussed land-based sources of marine debris at its sixth meeting (see A/60/99).

55. The Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (A/51/166, annex II) was adopted in 1995 in response to these major problems. The Programme of Action underwent its first intergovernmental review in 2001, resulting in the adoption of the Montreal Declaration (E/CN.17/2002/PC.2/15, annex, sect. 1). The second intergovernmental review meeting, to be held in Beijing from 16 to 20 October 2006, will consider progress made in the implementation of the Programme of Action thus far and identify options for increasing implementation, in particular at the national level, through innovative financing mechanisms, the strengthening of legislative and institutional frameworks, the promotion of partnerships and the strengthening of cooperation with integrated coastal zone management initiatives. The meeting will also define the programme of work for the UNEP Coordination Office for the Programme of Action for the period 2007-2011, with a view to strengthening cooperation with relevant bodies and mechanisms and supporting the implementation of international instruments, including the Millennium Declaration and the Johannesburg Plan of Implementation adopted at the World Summit on Sustainable Development.[31] A series of preparatory meetings and information events for the intergovernmental review will be held throughout 2005 and 2006, including a preparatory meeting to look specifically at the proposed programme of work for the UNEP Coordination Office (see www.gpa.unep.org/igr2/index.html).

56. Municipal waste-water discharges are one of the most significant threats to coastal environments worldwide. The thirteenth session of the Commission on Sustainable Development agreed on policies and practical measures for the implementation of international commitments on water and sanitation and on human settlements, including the targets contained in the Johannesburg Plan of Implementation. A number of recommendations address waste-water collection, treatment and reuse, including the need to provide financial and technical assistance to national and local authorities in deploying cost-effective and environmentally sound sewerage and waste-water treatment systems, including decentralized urban systems.[32]

2. Pollution from ships

57. MARPOL regulates the discharge of oil and other harmful substances from vessels in its annexes I (oil), II (noxious liquid substances), III (harmful substances carried by sea in packaged form), IV (sewage) and V (garbage). Recent developments relating to annexes I and IV are presented below. Annex V, as it relates to marine debris, was considered by the Informal Consultative Process at its sixth meeting (see A/60/99).

58. On 5 April 2005, amendments to regulation 13G (on the accelerated phase-out of single-hull oil tankers) and the new regulation 13H (on prevention of pollution from tankers carrying heavy-grade oil as cargo) of annex I to MARPOL (see A/59/62, paras. 144, 145 and 172-174) entered into force. Under revised regulation 13G, the condition assessment scheme is applicable to all single-hull tankers aged 15 years, or older. By its resolution MSC.197(80), MSC incorporated some elements of the scheme in the guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (IMO Assembly resolution A.744(18), as amended) and added a new section on survey guidelines for the inspection of double-hull tankers. The amendments to the guidelines will enter into force on 1 January 2007. At its fifty-third session, MEPC amended the scheme by resolution MEPC.131(53) in order to bring its cross-references to MARPOL annex I regulations in line with the new numbering system in the revised annex I, expected to enter into force on 1 January 2007 (see A/60/63, paras. 116-117). MEPC also adopted guidelines for the application of the revised MARPOL annex I requirements to floating production storage and offloading facilities and floating storage units (resolution MEPC.139(53)).

59. Revised annex IV, containing regulations for the prevention of pollution by sewage from ships, entered into force on 1 August 2005. In recognition of the importance of port State control, MEPC approved for adoption at its next session the inclusion of a new regulation on port State control in the revised annex IV.[33]

Waste reception facilities

60. MEPC approved a revised consolidated format for reporting alleged inadequacies of port reception facilities (MEPC/Circ.469) and a circular on waste reception facility reporting requirements (MEPC/Circ.470). It also decided that an Internet-based port reception facility database should be developed as a module of the IMO Global Integrated Shipping Information System. The Committee was informed by the shipping and port industries that they had formed an industry reception facilities forum to gather information and propose solutions and had

drawn up an action plan to tackle the inadequacy of port reception facilities.[34] The Committee instructed the IMO secretariat to produce for it a draft action plan to address the inadequacy of reception facilities based on the Forum's action plan.[35]

Particularly sensitive sea areas

61. Revised guidelines for the identification and designation of particularly sensitive sea areas were approved by MEPC for adoption by the IMO Assembly at its twenty-fourth session. Under the revised guidelines, in order for an area to be identified as a Particularly Sensitive Sea Area, at least one of the criteria listed in the guidelines should be present in the entire proposed area, though the same criterion need not be present throughout the entire area. Cultural heritage has been reinstated as a criterion under the category of "social, cultural and economic criteria". Particularly Sensitive Sea area proposals to IMO should be accompanied by a proposal for the associated protective measures, with the legal basis for each measure identified. The legal bases are: (a) any measure that is already available under an existing IMO instrument; (b) any measure that does not yet exist but could become available after the amendment or development of an IMO instrument; or (c) any measure proposed for adoption in the territorial sea or pursuant to article 211(6) of UNCLOS. Under the revised guidelines, "designation in principle" is only to be used by MEPC after it reviews a proposal and is awaiting approval or adoption of the associated protective measures by the appropriate body.[36]

62. MEPC adopted a resolution (MEPC.133(53)) designating the Torres Strait as an extension of the Great Barrier Reef Particularly Sensitive Sea Area. The resolution recognizes the establishment of a two-way shipping route and recommends that Governments recognize the need for effective protection of the Great Barrier Reef and Torres Strait region and inform ships flying their flag that they should act in accordance with Australia's system of pilotage for merchant ships 70 metres in length and over and oil tankers, chemical tankers and gas carriers, irrespective of size. During the session several delegations stated that the resolution provided no international legal basis for mandatory pilotage for ships in transit in the Torres Strait or any other strait used for international navigation.[37]

63. Several other areas were designated by MEPC as Particularly Sensitive Sea Areas, following the approval of associated protective measures by the IOM Subcommittee on Safety of Navigation and in anticipation of their subsequent adoption by the Assembly or MSC: the Canary Islands (resolution MEPC.134(53)); the Galapagos Archipelago (resolution MEPC.135(53)); and the Baltic Sea area (resolution MEPC.136(53).[38] The dates of entry into force of the area to be avoided in the Galapagos Archipelago and of the new and amended traffic separation schemes, the recommended deep water route and areas to be avoided in the Baltic Sea area will be determined by the IMO Assembly following the adoption of the measures at its twenty-fourth session. The date of entry into force of the traffic separation schemes, areas to be avoided and the mandatory ship reporting system in the Canary Islands area will be determined following their adoption by MSC at its eighty-first session, to be held in 2006.

Responding to non-compliance

64. The information contained in paragraphs 34 to 36 above is also very relevant to the present section. Other recent initiatives to address non-compliance by vessels

with applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment from vessels include resolution 1439 (2005) adopted by the Parliamentary Assembly of the Council of Europe. The resolution invites the member States to introduce or develop coastguard services for maritime safety and port security and for the protection of the marine environment; to develop surveillance systems for discharges of oil waste and flushing of ballast tanks; to provide for effective, proportionate and dissuasive penalties for those responsible for any sea pollution, including the possibility of prison sentences in cases of deliberate pollution; to become party to the convention on hazardous and noxious substances and the Council of Europe Convention on the Protection of the Environment through Criminal Law; to introduce regulations in IMO which would enable a State that has suffered damage from ship-based pollution to demand reparation from the flag State, where it is established that the damage is linked to the flag State's failure to exercise appropriate control of the vessel concerned; and to reform the International Oil Pollution Compensation Funds so that victims of maritime disasters receive rapid and satisfactory compensation.

Air pollution from ships

65. At its fifty-third session, MEPC noted the outcome of the technical workshop on the greenhouse gas indexing scheme and instructed the Working Group on Air Pollution to further improve the draft guidelines on greenhouse gas emission indexing. The technical workshop had considered information on carbon dioxide indexing scheme trials carried out by Germany, India, the Marshall Islands, Norway and the International Association of Independent Tank Owners. MEPC also adopted amendments to the regulations for the prevention of air pollution from ships in annex VI, which include making the North Sea a sulphur oxide emission control area, and to the nitrogen oxide technical code (resolution MEPC.132(53)). The amendments will enter into force in November 2006.

3. Control of harmful organisms and pathogens in ballast water

66. In order to prevent, minimize and ultimately eliminate the risks arising from the transfer of harmful aquatic organisms and pathogens by ships, IMO adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments in 2004. The Convention will enter into force 12 months after its ratification by 30 States, representing 35 per cent of world merchant shipping gross tonnage.

67. Since the adoption of the Convention, IMO has continued working on the development of guidelines to support the implementation of the Convention upon its entry into force. MEPC at its fifty-third session adopted guidelines for ballast water management equivalence, guidelines for ballast water exchange, guidelines for ballast water management systems, guidelines for ballast water management and the development of ballast water management plans, and the procedure for approval of ballast water management systems that make use of active substances (see IMO document MEPC 53/WP.16). A number of other draft guidelines were discussed, but were found to require further work. The Committee approved a programme for the development of guidelines for uniform implementation of the Convention and established a technical group within the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection to review proposals for approval of ballast water management systems that use active substances. It also established a

ballast water review group to determine whether appropriate technologies are available to achieve the ballast water performance standard required under regulation D-2.

4. Waste management

London Convention

68. The twenty-eighth meeting of the London Convention Scientific Group was held from 23 to 27 May 2005. The Scientific Group continued the discussion of the issue of carbon dioxide sequestration in geological structures and adopted the report of the carbon dioxide working group, endorsing all of its conclusions and recommendations (see IMO document LC/SG 28(14)).

69. The Government of the Russian Federation, by a letter dated 17 May 2005, notified the Secretary-General of IMO that it had accepted the amendments to annexes I and II to the London Convention as contained in resolution LC.51(16) concerning disposal at sea of radioactive wastes and other radioactive matter. The resolution, which was adopted on 12 November 1993, entered into force on 20 February 1994 for all contracting parties except the Russian Federation, which had registered its objections to acceptance. Following acceptance by the Russian Federation the ban on dumping of radioactive wastes is now universal.

Basel Convention

70. States parties to the Basel Convention met for the fourth session of the Open-ended Working Group from 4 to 8 July 2005 to begin preparing for their next ministerial conference, to be held in Nairobi in 2006. The Working Group focused on strengthening the Convention's effectiveness by developing partnerships with industry and advancing its work on the legal aspects of dismantling obsolete ships (see para. 73 below).

71. Early in 2005, the secretariat of the Basel Convention and the UNEP Regional Seas Programme joined forces in the fight against coastal pollution with the signing of a memorandum of understanding. The main area of cooperation is the environmentally sound management of hazardous wastes in order to prevent coastal and marine pollution. The two organizations will raise awareness of hazardous waste and marine pollution and support one another with technical and legal training.[39]

5. Ship breaking/recycling/dismantling

72. *International Maritime Organization.* At its fifty-third session, MEPC adopted a number of important decisions on ship recycling. Following the recommendations of the Working Group on Ship Recycling, the Committee endorsed the view that IMO should develop, as a high priority and for consideration and adoption in 2008-2009, a new instrument to provide legally binding and globally applicable ship recycling regulations for international shipping and for recycling facilities. The Committee also endorsed the Working Group's views on the basic areas that should be covered by the new instrument, such as the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound ship recycling; the operation of recycling facilities in a safe and environmentally sound manner; and the establishment of an appropriate enforcement mechanism. A draft

resolution was developed for submission to the twenty-fourth session of the Assembly for adoption. The Committee also agreed to the preparation of a circular on the implementation of the IMO guidelines on ship recycling and on amendments to the guidelines.

73. *Basel Convention*. Ship dismantling and abandonment were among the areas of focus of the fourth meeting of the Basel Convention's Open-ended Working Group in July 2005. The Open-ended Working Group decided that the second session of the Joint Working Group of ILO, IMO and Basel Convention should be hosted by the Basel Convention in Geneva. Parties to the Convention and other stakeholders were invited to submit responses to a questionnaire on the abandonment of ships on land or in ports, which will be compiled by the secretariat of the Basel Convention for submission to the second session of the Joint Working Group and the fifth session of the Open-ended Working Group. With respect to ship dismantling, Parties and other stakeholders were requested to submit to the secretariat of the Basel Convention their views on the issue, including comments on any gaps, overlaps or ambiguities between the notification procedure under the Basel Convention and the draft reporting system being developed by MEPC, as well as any recommended solutions to address those problems. The Open-ended Working Group also agreed on the establishment of an open-ended intersessional working group to consider ship dismantling issues and to report to it at its next session.

6. Regional cooperation

UNEP Regional Seas Programme

74. UNEP is organizing a series of capacity-building workshops on meeting the legal obligations of the regional seas conventions, protocols and related instruments. One such workshop was held from 4 to 6 July 2005 within the context of the Cartagena Convention. A similar workshop will be held in the South Pacific in August 2005. Various Regional Seas Programmes participated in the GEF International Waters Conference, held in June 2005 in Brazil. Training courses are under preparation by UNEP and GEF, aiming at helping Regional Seas Programmes to develop viable proposals and guidance on implementing such projects more effectively.

75. The Regional Seas Programme has also been active in the field of inter-agency cooperation. It will benefit from the GEF-UNDP-IMO Globallast Partnership through a project development facility, intended to assist developing countries in enacting, through effective partnerships, the necessary national-level policy, legal and institutional reforms, and building capacity to address the risk arising from the transfer of invasive aquatic species and pathogens in ships' ballast water and sediments. A workshop held on 25 and 26 July 2005 identified regions to implement this project. RSP together with the Convention on Biological Diversity and the Global Invasive Species Programme organized a workshop from 27 to 29 June 2005 to develop a joint programme of work on marine invasive species. A toolkit and guidelines for training programmes to enhance capacity for the management of invasive species of the marine and coastal environment in regional seas is being finalized.

76. The Regional Seas Programme published a feasibility study on sustainable management of marine litter to assess the threat posed by marine litter worldwide;

to examine the efficacy of current instruments, programmes and initiatives in addressing this global threat; and to recommend activities to control, reduce and abate the problem. The study was presented and distributed at the sixth meeting of the Informal Consultative Process during the panel discussion on marine debris. Taking into account the recommendations of the report, the Regional Seas Programme, in coordination with the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, is initiating the preparation of a GEF project proposal on the marine litter initiative, with potential partners including IMO, FAO, IOC and the Basel Convention.

77. The Regional Seas Programme has engaged an expert to compile estimates of the direct output value of goods and services for each of the relevant marine sectors of countries bordering the world's large marine ecosystems and regional seas. The data will present a comparison of the value of regional marine sectors with the amount of funding to be made available by the donor community to the next replenishment of GEF.

Commission for the Protection of the Marine Environment of the North-East Atlantic

78. The Commission met from 27 June to 1 July 2005. Among the many issues on the agenda, the Commission discussed its possible contribution to the future European marine strategy and a number of issues related to marine biodiversity. Contracting Parties were urged to report their initial selections of marine protected areas to the Commission to enable it to evaluate at its next meeting the components of its network of marine protected areas; the protection of cold-water coral reefs; and a proposal for expansion of the North-East Atlantic as a Special Area under MARPOL annex V.

Baltic Marine Environment Protection Commission

79. At its twenty-sixth meeting, held in Helsinki on 1 and 2 March 2005, the Baltic Marine Environment Protection Commission adopted the following recommendations: recommendation 26/1 on the application of the no-special-fee system to ship-generated wastes in the Baltic Sea area; recommendation 26/2 on compilation of waterborne pollution load; and recommendation 26/3 on monitoring of radioactive substances.

80. The Commission's Heads of Delegations held their seventeenth meeting in June 2005. One of the main focuses of the meeting was the preparation by 2007 of a strategic Baltic Sea action plan, to be developed jointly by all the Contracting Parties on the basis of the Helsinki Convention and taking into account their different obligations with regard to regulations of the European Union. The action plan will be a major tool in applying the ecosystem approach within the Baltic Sea ecoregion. The meeting also agreed on the deletion of a number of "hot spots" from the list of most significant pollution sources in the Baltic Sea.

81. On 1 July 2005, the Commission officially launched an automatic identification system for monitoring maritime traffic in the Baltic Sea. The system, based on very high frequency radio, will enable users to ascertain the name, position, course, speed, draught and cargo of every ship of more than 300 gross tons sailing in the Baltic Sea. Its primary function is to provide authorities with a tool for supervision, statistics gathering, risk analyses, search and rescue, port State control,

security and other safety-related tasks to ensure safe navigation in the crowded waters of the Baltic Sea (see also sect. IV above).[40]

B. Marine living resources

1. Fisheries

82. A number of important meetings on international fisheries were held in the first half of 2005. The twenty-sixth session of the FAO Committee on Fisheries, from 7 to 11 March, was followed by a ministerial meeting on fisheries on 12 March, which adopted a declaration on fisheries and the tsunami and a declaration on illegal, unreported and unregulated fishing. The fourth meeting of regional fisheries bodies was convened in Rome on 14 and 15 March. The reports of these meetings can be accessed through the FAO Fisheries Department website at www.fao.org/fi.

83. Canada organized the Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement in St. John's, Newfoundland and Labrador, in May 2005. The Conference, attended by participants from 49 States and international organizations, held a two-day workshop on five themes: ecosystem considerations in fisheries management; compliance and enforcement; decision-making in regional fisheries management organizations; balancing fishing capacity and fishing aspirations; and new areas and gaps. In addition, the Conference produced an action-oriented ministerial declaration (see www.fisheriesgovernanceconference.gc.ca).

84. The fourth informal consultations of States parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks were held in New York from 31 May to 3 June 2005. The major concern of the meeting was preparation for the review conference to be convened by the Secretary-General pursuant to article 36 of the Agreement. In addition, fisheries and their contribution to sustainable development was one of the areas of focus of the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held in New York from 6 to 10 June 2005. The reports of both meetings can be accessed online at www.un.org/depts/los/index.htm.

2. Whales

International Whaling Commission

85. The fifty-seventh annual meeting of the International Whaling Commission was held in Ulsan, Republic of Korea from 20 to 24 June 2005. The Commission considered the report of its Scientific Committee on the Revised Management Procedure, including its application to western North Pacific Bryde's whales, North Atlantic fin whales and by-catches. It also considered whale killing methods, animal welfare issues and aboriginal subsistence whaling; scientific permits; socio-economic implications and small-type whaling; and biological impacts of whale watching on whales. Finally, the Commission considered environmental matters, including the relationship between sea ice and cetaceans; habitat degradation; and anthropogenic noise.

86. The Commission adopted four resolutions, relating to (a) the Japanese Whale Research Program under Special Permit in the Antarctic; (b) facilitating closer cooperation among the range States to expedite sighting surveys for the common minke whales off the Korean Peninsula; (c) the western North Pacific gray whale; and (d) the Revised Management Scheme process (see www.iwoffice.org/meetings/meeting2005.htm).

3. Biological diversity

87. During the reporting period a number of meetings addressed marine biodiversity issues. Meeting in June in Montecatini, Italy, the Ad Hoc Open-Ended Working Group on Protected Areas of the Convention on Biological Diversity discussed, inter alia, options for cooperation for the establishment of marine protected areas beyond the limits of national jurisdiction.[41] The Workshop on the Joint Work Programme on Marine and Coastal Invasive Alien Species (see para. 75 above) identified gaps in activities relating to marine invasive species and developed a draft programme to address those gaps, in order to contribute to the implementation of decisions VII/5 and VI/23, paragraph 26 (e), of the Conference of the Parties to the Convention on Biological Diversity. The Ad Hoc Technical Expert Group on Implementation of Integrated Marine and Coastal Area Management met from 11 to 15 July 2005 to consider how countries can implement the Convention's programme of work on marine and coastal biodiversity (decision VII/5, annex I) as it relates to integrated marine and coastal area management. The Expert Group identified obstacles to national and regional implementation of the programme and proposed strategies to overcome those obstacles.[42]

88. On 1 July 2005, the Convention on International Trade in Endangered Species of Wild Fauna and Flora celebrated the thirtieth anniversary of its entry into force.[43] At its twenty-first meeting, the Animals Committee of the Convention discussed a number of issues including the implementation of the strategic vision until 2007 and the establishment of priorities; the review of trade in animal species included in the appendices of the Convention; and trade in sea cucumbers and sharks.[44] At its fifty-third meeting,[45] the Standing Committee decided to convene a workshop on "introduction from the sea", which means the transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State (article I) of the Convention. It was agreed that the workshop should be guided by UNCLOS, the 1995 Fish Stocks Agreement and the two FAO expert consultations on the issue.[46]

VII. Marine science and technology

A. Advisory Body of Experts on the Law of the Sea

89. The fifth meeting of IOC Advisory Body of Experts on the Law of the Sea was held in Buenos Aires, Argentina from 11 to 15 April 2005. The Advisory Body continued its discussions on (a) the results of the revised IOC questionnaire on the practice of States in marine scientific research and transfer of marine technology; and (b) the legal framework within the context of UNCLOS applicable to the collection of oceanographic data. The Advisory Body also completed its consideration of a draft IOC internal procedure for the effective use of article 247 of

UNCLOS on marine scientific research projects undertaken by or under the auspices of international organizations. By resolution XXIII-8, adopted at its twenty-third session, the IOC Assembly noted with satisfaction the progress made by the Advisory Body and adopted the Procedure for the application of article 247 by IOC. The IOC Assembly encouraged the Advisory Body to continue working, in close collaboration with the Division for Ocean Affairs and the Law of the Sea and the IOC-WMO-UNEP Committee for the Global Ocean Observing System, on the legal framework for the collection of oceanographic data within the context of UNCLOS and to propose practical guidelines for the conduct of the following activities: (a) deployment of floats in the high sea which may drift into exclusive economic zones; (b) deployment of floats and surface drifting buoys in exclusive economic zones; (c) deployment of expendable bathythermographs by ships of opportunity in exclusive economic zones.

B. Global Ocean Observing System

90. IOC leads a partnership with WMO, UNEP and the International Council for Science to coordinate the implementation of the Global Ocean Observing System, which is a permanent system for ocean observation, built, maintained and upgraded with contributions from member States. The System responds to calls by Agenda 21 to improve the monitoring of the global environment. It is part of an integrated global observing strategy, that is shared by United Nations agencies (UNESCO, UNEP, FAO and WMO), the International Council for Science, the International Geosphere-Biosphere Programme and the world's space agencies. It has an open ocean subsystem to improve weather and climate forecasting and a coastal one for coastal seas. The System comprises remote sensing from satellites; coastal instruments including tide gauges; buoys, drifters and other platforms; ships of opportunity (including commercial ferries); and long time series records of variability. It produces data and information meeting the needs of many users. Much of its implementation relies on the technical guidance provided by the Joint WMO/IOC Technical Commission for Oceanography and Marine Meteorology. The Systems project office which has worked to consolidate and coordinate its reporting on the state of the ocean observing system, with that of the Joint Technical Commission, took the lead in preparing a report to the United Nations Framework Convention on Climate Change on progress made in implementing the initial ocean observing network for climate. In its resolution XXIII-1, the IOC Assembly recognized that full implementation of the System requires the sustained operation of in situ and space-based systems that are being considered as an integral part of the global earth observations system of systems.

C. Capacity-building

91. *IOC capacity-building strategy*. Through its training, education and mutual assistance initiative, IOC ensures that capacity-building activities link its programmes to existing and planned national and regional programmes. This enhances the impact of IOC activities and makes national efforts more sustainable and effective. By its resolution XXIII-10, on principles and strategy for capacity-building, the IOC Assembly called for the conduct of regional assessments of

existing capacities to undertake marine scientific research and operational oceanography.

92. *African States and coastal area management*. IOC, through its Integrated Coastal Area Management Programme is the executing agency for a project on climate change adaptation in coastal zones and shoreline change management in West Africa, endorsed by the New Partnership for Africa's Development and funded by GEF. A regional study to assess African capacity in coastal area management was published for the Environment Partnership Conference organized by the New Partnership in March 2005 in Senegal.

93. *Ocean data and information*. The IOC International Oceanographic Data and Information Exchange will help to narrow the "digital divide" between developing and developed countries through the creation of ocean data and information networks. The networks will incorporate specialized functions such as seabed mapping and tsunami forecasting. The Exchange plays an increasingly active role in guiding users to information through the development and maintenance of specialized portals and clearing-house mechanisms, in close collaboration with United Nations and other agencies. The IOC ocean sub-portals for Africa, Latin America and South-East Asia aim to facilitate access to information on all aspects of ocean and coastal research and management.

VIII. Indian Ocean tsunami developments

94. Since the Indian Ocean tsunami devastated coastal communities on 26 December 2004,[47] international organizations have taken extraordinary measures to assist the survivors and to collaborate with the affected countries in reconstruction and the renewal of economic activities. The organizations involved include FAO, the International Fund for Agricultural Development, ILO, IMO, the International Strategy for Disaster Reduction, the International Telecommunication Union, UNDP, UNEP, IOC, the United Nations Population Fund, the United Nations Human Settlements Programme, the Office of the United Nations High Commissioner for Human Rights, UNHCR, the United Nations Children's Fund, United Nations Volunteers, the World Bank, the World Food Programme, WHO, WMO, and the World Tourism Organization. Full recovery in the hardest hit areas is expected to take at least two to five years, and in some places a decade. Rebuilding the entire affected region will cost nearly $8 billion (for further information see www.reliefweb.int).

A. Recovery and reconstruction efforts

95. In February 2005, the Secretary-General appointed the former President of the United States of America, Bill Clinton, as United Nations Special Envoy for Tsunami Recovery. On 14 July 2005, Mr. Clinton made a presentation to the Economic and Social Council during a day-long panel discussion of the post-tsunami recovery efforts (see press release ECOSOC/6166, 14 July 2005). Mr. Clinton explained that the focus of the efforts was to "build back better". Clearly, the effects would have been less devastating if preventive measures had been taken beforehand — if building codes had been adhered to, vegetation had not been cleared from the coasts, there had been more preventive awareness, and early

warning systems had been in place. He called for quick implementation of all such disaster mitigation measures. He noted that while the framework for the recovery effort was in place in most of the affected countries, specific policy and operational challenges needed to be resolved for a successful recovery, including the creation of a common action plan for all actors and agreement on environmental issues. He had asked the affected Governments to take the lead on the action plan and had tasked members of his Global Consortium to fully support initiatives on the ground. A number of initiatives with a direct bearing on oceans and the law of the sea are described below.

96. *Coastal zone and environment*. In its reports on the environmental impact of the tsunami in Sri Lanka and Maldives (available at www.unep.org/tsunami), UNEP noted that coastal areas where coral reefs, mangrove forests and natural vegetation had been removed suffered the greatest damage from the Indian Ocean tsunami. The UNEP environmental recovery programme is based on the premise that to build stronger and less vulnerable societies the environmental dimension must be integrated in the reconstruction plans. UNEP underlines the importance of managing the reconstruction in an environmentally sensitive way (see press release UNEP/268, 22 February 2005). As a follow-up to the Cairo meeting, which adopted guiding principles for post-tsunami reconstruction (see www.gpa.unep.org/tsunami), UNEP will provide assistance to the affected countries in coastal zone management and in restoration of critical coastal ecosystems. UNEP will also conduct training sessions on how to prioritize and avoid mistakes in waste disposal projects. Finally, UNEP will conduct more specific projects at the national level.

97. *Tourism*. According to the World Tourism Organization, the majority of tourist venues in the affected countries are able to welcome visitors again. Reconstruction and revival plans are being implemented at a rapid pace in accordance with the Phuket Action Plan. As a measure to restore confidence, Thailand has established a national disaster warning system connected to top meteorological centres in Hawaii and Japan. In addition, UNDP will provide Thailand with sea-level tide gauges for a greater level of accuracy in tsunami detection and evaluation, minimizing false alerts. The system will be connected to the Global Sea Level Observing System.[48]

98. *Fisheries*. As earlier described (A/60/63, para. 286), fishing communities were the worst hit by the tsunami. FAO is moving forward with its efforts to help Indian Ocean countries to recover, including capacity-building to improve skills of boat builders and towards enforcement of standards to reduce potential risks to fishermen; new plans to revive Aceh's tsunami-hit aquaculture industry; and distribution of fishing gear, outboard motors, tools and repair materials (see www.fao.org/tsunami). FAO long-term efforts will be geared not only to restore the livelihood of fishers but also to raise the incomes of coastal communities above pre-tsunami levels.[49]

99. *Maritime infrastructure*. Damage to the maritime sector was relatively minor as compared with other sectors. IMO efforts have unfolded on two fronts, humanitarian and technical. A tsunami maritime relief fund was established specifically for the restoration of the maritime infrastructure and also to support the reconstruction of the fishing industry in the region affected. IMO has also carried out a number of activities in partnership with the International Association of Marine Aids to Navigation and Lighthouse Authorities, IHO and WMO, including hydrographic surveys and evaluation of the need to replace navigational aids. The

earthquake caused changes to the topography of the ocean floor and destroyed a number of navigational aids. IMO also intends to use the IMO/IHO World Wide Navigational Warning Service for dissemination of tsunami warnings to ships and people in ports and coastal areas to complement any tsunami early warning system established by IOC.[50]

B. Early warning systems

100. Progress has been made with respect to the establishment of a tsunami early warning system for the Indian Ocean. Following several meetings and conferences in June 2005,[51] the IOC Assembly formally established the Intergovernmental Coordination Group for the Indian Ocean Tsunami Warning and Mitigation System through its resolution XXIII-12. The first session of the Coordination Group was held in Perth, Australia, from 3 to 5 August 2005. Representatives of 27 States in the Indian Ocean area discussed plans to establish 23 stations of a real-time sea-level observation network covering the whole Indian Ocean basin by the end of the year. Six such stations are already operational. The network is one of three elements that experts have concluded are necessary for the tsunami warning and mitigation system. The other two are an improved seismographic network and the deployment of deep-sea pressure sensors capable of detecting the tsunami signal as it travels over the deep ocean. The entire system is expected to be fully operational by July 2006. Using quake and tidal sensors, speedy communications, alarm networks from radio to cell phones and disaster preparedness training in vulnerable regions, it will give people time to flee to higher ground before the waves strike.[52]

101. The IOC Assembly also decided to establish intergovernmental coordination groups (ICG) for tsunami and other hazard warning systems in the Caribbean and adjacent regions (resolution XXIII-13) and the north-eastern Atlantic, the Mediterranean and connected seas (resolution XXXIII-14). Resolution XXXIII-15 established an ad hoc working group on the establishment of a framework for the global tsunami and other ocean-related hazards early warning system. The IOC-WMO Joint Commission for Marine Meteorology will continue to assist in the planning and setting-up of the in situ observational array and services necessary for an effective, robust and comprehensive natural marine hazard warning system in all the main ocean basins (see IOC document XXIII/2, para. 57).

102. The United States has announced that it will expand its tsunami detection and warning capabilities as a contribution to the Global Earth Observation System of Systems. It will deploy 32 new advanced-technology tsunami assessment and reporting buoys in addition to the six that now cover the Pacific basin and supply data to the IOC International Tsunami Information Centre in Honolulu, Hawaii. This worldwide coverage is expected to be operational by mid-2007. Each buoy assemblage consists of a tsunami-detecting "bottom-pressure recorder" device on the ocean floor, which sends acoustic signals through the water to a surface buoy which transmits the data via satellite to ground stations.[53]

IX. Capacity-building programmes

103. During the fifteenth meeting of States Parties to UNCLOS, several delegations referred to the benefits of the Hamilton Shirley Amerasinghe and the United Nations

Nippon Foundation of Japan fellowships to developing countries and urged States that were in a position to do so to contribute to the Hamilton Shirley Amerasinghe Fellowship Programme. In the past year, contributions have been received from Monaco and Sri Lanka.

A. United Nations-Nippon Foundation of Japan Fellowship Programme

104. The first ten United Nations-Nippon Foundation fellows have completed their six-month academic placements under the auspices of participating academic institutions, and are commencing their three-month research and practical phase. The Division will host eight fellows; ITLOS and IMO will each host one.

105. Currently 27 institutions in 16 States have agreed to serve as host institutions for the programme. Consultations are ongoing with others, including centres of marine science and multidisciplinary programmes in marine affairs. In October 2005, the Selection Committee will make the next 12 awards. Further information, including application forms and list of participating universities, are available on the Division's website.

B. Hamilton Shirley Amerasinghe Memorial Fellowship Programme

106. The recipient of the 2003 eighteenth Amerasinghe Fellowship Award, Fernanda Millicay, completed her research/study on "the legal regime applicable to genetic resources in the Area" at the Lauterpacht Research Centre for International Law at the University of Cambridge, United Kingdom. She is now carrying out her three-month internship programme in the Division.

C. TRAIN-SEA-COAST Programme[54]

107. *Delivery of courses*. Since the issuance of the main report (A/60/63), the Benguela Current Course Development Unit has completed the revision of its course on marine pollution control and delivered the course in Cape Town, South Africa, from 23 May to 3 June 2005. Twenty participants, who received financial support from their organizations, represented Angola, Namibia and South Africa. In addition, a course on how to develop a transboundary diagnostic analysis/strategic action programme, including a component on environmental assessment, was delivered to the Okavango River Basin Project in Windhoek, Namibia, from 9 to 14 May 2005. The strategic action programme is a requirement for most projects proposed for financing in the GEF International Waters Focal Area. The aim of the course is to build a core of human resources and to help provide the necessary skills, information and approaches required to develop a strategic action programme. The training course is not prescriptive and draws on real case studies based on existing project proposals to highlight good practices.[55]

108. *Outreach activities*. The UNEP Global Programme of Action-UNESCO Institute for Water Education Course Development Unit continued to deliver its course on improving wastewater management in coastal cities, including in Argentina (May 2005). A short training programme was also undertaken during the

Small Island Developing States Conference in Mauritius (January 2005), in addition to training events offered at the twenty-third session of the UNEP Governing Council (February 2005) and during the thirteenth session of the Commission on Sustainable Development.

D. Training course to promote compliance with article 76 of the Convention

109. Pursuant to General Assembly resolution 59/24, the Division for Ocean Affairs and the Law of the Sea has continued its capacity-building efforts aimed at providing training courses to technical and administrative staff of developing coastal States regarding the delineation of the outer limits of the continental shelf beyond 200 nautical miles and the preparation of submissions to the Commission on the Limits of the Continental Shelf in conformity with the provisions of article 76 of UNCLOS.

110. Following the first regional training course in Fiji (see A/60/63, para. 49), the Division, in collaboration with the Government of Sri Lanka and the Commonwealth secretariat, organized a course in Sri Lanka from 16 to 20 May 2005. Forty technical and administrative staff of 12 developing States from the Indian Ocean region (Bangladesh, India, Kenya, Madagascar, Mauritius, Mozambique, Myanmar, Pakistan, Seychelles, South Africa, Sri Lanka and the United Republic of Tanzania) participated in the course. Twenty-one of them received assistance from the Trust Fund. Instructors for the course included past and present members of the Commission.

111. A third training course will be held in Ghana from 5 to 9 December 2005 for African States with a potential extended continental shelf in the Atlantic Ocean, and a fourth course will be organized for the Latin American and Caribbean region in May 2006 in Argentina.

112. During the training courses in Fiji and Sri Lanka, the Division also carried out the validation of the comprehensive training manual which it had prepared to assist States in preparing their submission to the Commission in accordance with article 76 of UNCLOS (see A/60/63, para. 33) and of the other training material. Following the validation, the Division is preparing a final version of the training manual and training modules.

X. International cooperation and coordination

A. United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

113. The sixth meeting of the Informal Consultative Process was held from 6 to 10 June 2005. The President of the General Assembly reappointed Philip D. Burgess (Austrailia) for a third year as co-chair and appointed Cristián Maquieira (Chile), following the appropriate consultations with Member States, to replace Felipe Paolillo (Uraguay), who was unable to continue as co-chair. In accordance with General Assembly resolution 59/24, the Informal Consultative Process focused its discussions on fisheries and their contribution to sustainable development and on

marine debris, as well as issues discussed at previous meetings. The report of the sixth meeting is contained in document A/60/99. In accordance with its resolution 57/141, the General Assembly, at its sixtieth session, will review again the effectiveness and utility of the Informal Consultative Process.

B. Regular process

114. By paragraph 86 of its resolution 59/24, the General Assembly requested the Secretary-General to convene a second international workshop to consider issues related to the establishment of the regular process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, including the scope of the process and the initiation of the start-up phase, the "Assessment of Assessments". The second International Workshop was held at United Nations Headquarters from 13 to 15 June 2005. The Workshop agreed to recommend to the General Assembly, for its consideration on how to proceed with the "Assessment of Assessments", the conclusions of the Chairman contained in the annex to the report of the Workshop (A/60/91).

C. Oceans and Coastal Areas Network

115. The second meeting of the Oceans and Coastal Areas Network (UN-Oceans) was held at United Nations Headquarters on 2 and 3 June 2005. It was attended by representatives from IMO, UNDP, UNEP, the Department of Economic and Social Affairs and the Division for Ocean Affairs and the Law of the Sea of the Secretariat, IOC, the World Bank and the International Seabed Authority. The Coordinator of the Network informed the meeting about its newly established website (www.un-oceans.org). The representatives discussed the content, purpose and further development of the website as well as other outreach tools. As regards the work programme, it was agreed that the Network would continue to focus on the topics identified at the first meeting, which are the subject of four time-bound task forces, so as to maximize inter-agency coordination and cooperation. In this connection, the inter-secretariat character of the Network's task forces was underscored. In view of the uncertainty regarding the funding of the United Nations Atlas of the Oceans, a web-based information system (www.oceansatlas.org), the Network agreed to seek financial support from Member States and organizations, while continuing to function as its "managing group". The meeting was briefed by the Secretary of UN-Water, another inter-agency coordinating mechanism, on its activities and practices, which might be beneficial for UN-Oceans. In particular, the practical implications of a UNEP-proposed joint UN-Oceans/UN-Water task force on the Global Programme of Action were discussed. Lastly, it was agreed in principle to hold a special meeting of the Network during the International Conference on Integrated Ocean Policy, to be held in Lisbon from 10 to 14 October 2005.

XI. Conclusions

116. **The present report highlights the broad range of issues being addressed and the variety of activities undertaken by States and international bodies in the context of ocean affairs and the law of the sea. It follows from the report**

that in order to address certain concerns, efforts should be undertaken in a number of areas. The Informal Consultative Process has reached the end of its second three-year cycle and is due for review and renewal at the sixtieth session of the General Assembly. In 2006 the Global Programme of Action celebrates its tenth anniversary and will be reviewing efforts to protect the marine environment from land-based activities. IMO has adopted an impressive number of instruments dealing with all aspects of international shipping activities, and is now focusing on effective implementation. Yet, some serious problems remain unresolved, including labour conditions, persons in distress at sea and incidents of piracy and armed robbery. Work is continuing on issues of waste management and ship recycling, while regional cooperation is either consolidating or is in a phase of new development. International cooperation responded quickly to the tsunami disaster and is concentrating on "building back better". In fact, the key to the future is the expansion of capacity-building activities to help developing countries to establish and strengthen their ocean-related infrastructures and services, conserve ocean resources and use them sustainably to benefit current and future generations.

Notes

[1] At the Meeting of States Parties, the delegation of Cuba indicated that it was carrying out the work necessary to make a submission to the Commission before its deadline in 2009. Portugal announced that it also intended to make a submission in 2009. These statements are in addition to the notifications already noted in the main report (A/60/63, para. 28).

[2] To date, information regarding 22 vessels abandoned in 2004 has been received by ILO for entry in the database on incidents of abandonment of seafarers (IMO document LEG 90/6/1).

[3] Report of the 53rd session of MEPC in IMO document MEPC 53/24, para. 19.28 and report of the Joint MSC/MEPC Working Group on the Human Element in MEPC 53/WP.12.

[4] Report of the ninetieth session of LEG in IMO document LEG 90/15, annex 7.

[5] See *Official Records of the General Assembly, Fifty-ninth session, Supplement No. 10* (A/59/10), chap. IV, sect. C.2, article 19, commentary, para. (B).

[6] Document PTMC/2005/1 available on the ILO website at www.ilo.org.

[7] Report of the fifty-first session of the Subcommittee in IMO document NAV 51/19, para. 6.24.

[8] Ibid., sect. 6.

[9] For a detailed description of all approved ship routeing and reporting measures, see NAV 51/19.

[10] Ibid., paras. 3.52-3.56.

[11] Report of the ninety-fourth session of the IMO Council in IMO document C 94/D, paras. 5.2-5.8.

[12] Report of the eightieth session of MSC in IMO document MSC 80/24/Add.1, annex 9.

[13] The report of the meeting was not available at the time of the preparation of this report. Resolution 59/24, para. 41, requests the Secretary-General to submit a report to the Assembly at its sixty-first session.

[14] Report of the ninetieth session of LEG in IMO document LEG 90/15, sect. H.

[15] UNHCR press releases of 10 March 2005 and 8 June 2005 at www.unhcr.ch.

[16] Report of the ninetieth session of LEG in IMO document LEG 90/15, sect. D. For texts of the draft protocols, see annexes 4 and 5.

[17] Opening address of the Secretary-General of IMO at the eightieth session of MSC in IMO document MSC 80/24.

[18] Responses to a questionnaire sent by the International Transport Workers' Federation to its inspectors and to seafarers' trade unions in January 2005.

[19] Guidelines on training and certification for company security officers (MSC/Circ.1154); Guidance on message priority and the testing of the ship security alert system (MSC/Circ.1155); Guidance on the access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply (MSC/Circ.1156).

[20] MSC resolutions MSC.194(80), MSC.195(80) and MSC.196(80) in IMO document MSC 80/24.

[21] For the text of the amendments, see MSC 80/24/Add.1, annex 8.

[22] MSC 80/24, para. 5.62, and report of fifty-third session of MEPC 53 in MEPC 53/24, paras. 11.31-11.41.

[23] Report of the Working Group on Maritime Security, MSC 80/WP.7/Add.1, and MSC 80/24.

[24] IMO International Workshop on Flag State Implementation, held in March 2005, and remarks by the Secretary-General of IMO at the seminar on maritime security measures for non-SOLAS vessels, convened at IMO in May 2005 by the Japan International Transport Institute. *IMO News* No. 2, 2005, pp. 23-25.

[25] The text of the WCO Framework is available on the website of WCO at www.wcoomd.org/ie.

[26] Report of the thirty-second session of the IMO Facilitation Committee in IMO document FAL 32/22, sect. 9 and annex 3. For recent activities of the United Nations Office on Drugs and Crime in combating and suppressing illicit traffic by sea, see E/2005/28-E/CN.7/2005/11, para. 66.

[27] During 2004, 330 acts were reported to IMO to have occurred or to have been attempted, representing a decrease of 27 per cent over the figure for 2003. However, the number of crew members and passengers reportedly killed rose from 13 to 30 and the number of injured from 45 to 87, and at least 140 crew members and passengers were taken hostage or were missing. Nine ships were hijacked and three lost. During the first six months of 2005, 110 incidents of piracy and armed robbery against ships were reported to IMO (MSC.4/Circ.67, 68, 70 and 71) and 127 incidents were reported to the International Maritime Bureau compared with 182 incidents during the same period in 2004 (International Chamber of Commerce International Maritime Bureau, "Piracy and armed robbery against ships", report for the period 1 January-30 June 2005).

[28] WFP news release, 4 July 2005.

[29] Report of the eightieth session of MSC in IMO document MSC 80/24, sect. 17.

[30] For more information see http://www.gpa.unep.org/about/index.html.

[31] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[32] See *Official Records of the Economic and Social Council, 2005, Supplement No. 9* (E/2005/29-E/CN.17/2005/12).

[33] Report of the fifty-third session of MEPC in IMO document MEPC 53/24.

[34] "Industry initiatives for enhancing the provision and use of port reception facilities", submitted by the Baltic and International Maritime Council, the International Association of Ports and Harbours, the International Chamber of Shipping, the International Association of Dry Cargo Shipowners, the International Association of Independent Tanker Owners and the Oil Companies International Marine Forum, in MEPC 53/9/1.

[35] MEPC 53/24, paras. 9.2-9.9.

[36] Ibid., paras. 8.18-8.40 and MEPC 53/WP.15.

[37] MEPC 53/24, paras. 8.5-8.7.

[38] Paragraph 1.1 of resolution 136 (53) defines the Baltic particularly sensitive sea area as comprising the Baltic Sea proper, the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44.8' N, as defined in regulation 10(1)(b) of annex I to MARPOL, excluding those marine areas within the sovereignty of the Russian Federation, or subject to the sovereign rights and jurisdiction of the Russian Federation as referred to in article 56 of UNCLOS. The resolution states that the designation of the area shall not prejudice the sovereignty or sovereign rights and jurisdiction of the Russian Federation under international law.

[39] Note to the press, "Basel Convention on Hazardous Wastes and UNEP Regional Seas Programme to fight coastal pollution together", 1 March 2005, available from www.basel.int.

[40] It is estimated that there are some 2,000 ships at sea at any time in the Baltic, accounting for 15 per cent of the world's cargo transportation. Press release, "HELCOM launches a common Baltic maritime traffic monitoring system", 1 July 2005, available from http://www.helcom.fi.

[41] For details of this meeting and information on the activities of other organizations, see A/60/63/Add.1. The report on the meeting of the Open-ended Working Group is contained in document UNEP/CBD/WG-PA/1/6.

[42] The report of the Expert Group and more information on the meetings related to the Convention on Biological Diversity can be found at www.biodiv.org.

[43] Press release at www.cites.org/eng/news/press_release.shtml.

[44] The summary record of the twenty-first meeting of the Animals Committee, 20-25 May 2005, is available at www.cites.org/eng/com/AC/21/E-AC21-SummaryRecord.pdf.

[45] The executive summaries of the fifty-third meeting of the Standing Committee are available at www.cites.org/eng/com/SC/53/Sum/index.shtml.

[46] See FAO Fisheries Report No. 741, *Report of the expert consultation on implementation issues associated with listing of commercially-exploited aquatic species on CITES Appendices*; and FAO Fisheries Report No. 746, *Report of the expert consultation on legal issues related to CITES and commercially exploited aquatic species*.

[47] The most recent estimates are 240,000 dead and 158,000 persons severely affected (see A/60/86-E/2005/77).

[48] For details see WTO document TF2/MKT; A/60/63, para. 304; E/2005/48; *Financial Times*, 25-26 June 2005; "UN bolsters Thai tsunami warning system", Agence France Presse, 29 July 2005.

[49] "Sri Lanka: UN agricultural agency repairs over 3,400 tsunami-damaged boats", United Nations News Centre, 16 June 2005.

[50] See *IMO News* No. 2, 2005 at www.imo.org, A/60/63, paras. 287 and 306 and IMO documents C 94/21 and Add.1 and MSC 80/INF.9.

[51] Including the regional workshop on lessons learned and best practices held in Medan, Indonesia on 13 and 14 June 2005, which underscored the need for comprehensive early warning systems and involvement of affected communities in needs assessments, planning and implementation of emergency assistance programmes. See also A/60/63, para. 294.

[52] "UN-backed Indian Ocean tsunami early warning system begins to take shape", UN News Centre, 5 August 2005.

[53] www.noaanews.noaa.gov/stories2005/s2369.htm.

[54] For background information on the Programme, see A/57/57, paras. 636 and 637 and A/59/62, paras. 127 and 128.

[55] The case studies are the Dnipro River Basin, Caspian Sea, South China Sea, Lake Tanganyika, Benguela Current and Bermejo River strategic action programmes.